

(916) 523-7715

August 17, 1983

Mr. Wallace Wortman
Director of Property, Real Estate Department
City and County of San Francisco
Room 600 City Hall Annex
450 McAllister Street
San Francisco, CA 94102

Dear Mr. Wortman:

This is in response to your August 12, 1983, letter wherein you enclosed a copy of an April 6, 1983, Stipulation For Entry of Judgment in United States of America v. City And County of San Francisco, USDC, SD Cal., Civil No. C-31-4847 RFP, and a copy of a proposed Timber Sale Agreement to be executed by the City and County and the successful bidder/purchaser of the timber, and you asked which party thereto will be the timber owner for timber yield tax purposes.

Per the Stipulation, in pertinent part:

"4. Defendant City and County of San Francisco hereby conveys to plaintiff United States of America and its assigns the land known as the Dye, containing 163.63 acres, more or less, situate in the County of Tuolumne, State of California, and described as follows:

"Lot 1, 7, and 8 in Section 7, Township 1 South, Range 19 East, Mount Diablo Base and Meridian.

"Said conveyance is subject to a reservation in favor of defendant, its successors and assigns until November 1, 1984, of the right to cut and remove from the above-described land all dead and down timber and all live Ponderosa Pine and Incense Cedar twenty (20) inches and over in diameter, diameters to be measured outside the bark at a point four and one-half (4-1/2) feet above the ground. Plaintiff, through the United

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Per the proposed Timber Sale Agreement, in part:

"The CITY AND COUNTY OF SAN FRANCISCO, herein called "Seller", agrees to sell to _____, of _____ County, _____, herein called "Buyer", and Buyer agrees to purchase from Seller the hereinafter described timber located on the following described parcel of rural property, subject to the terms and conditions hereinafter set forth.

"1. The parcel of real property from which the described, timber is to be removed (hereafter 'sale area') is Section 7, Township 1 South, Range 19 East, Mt. Diablo Base & Meridian, in Tuolumne County, California, a parcel of National Forest land owned by the United States of America subject to a reservation in favor of Seller of the right to harvest the described timber.

"2. The timber sold under this agreement is described as follows: Live Sugar Pine of a minimum diameter of 20", Live Ponderosa Pine of a minimum diameter of 20"; Live Incense Cedar of a minimum diameter of 20"; and all dead and down timber.

"The diameters of live timber have been measured outside the bark at a point 4-1/2 feet above the ground, and the live timber has been designated on behalf of Seller for cutting both at 4-1/2 feet above the ground and a ground level with orange paint.

"Buyer has the option to remove whatever dead and down timber that he desires.

"3. Buyer shall pay to Seller as the full price for any and all sound timber sold under this agreement and removal from said real property by buyer as follows:

Sound Sugar Pine	\$ _____	per MBF;
Sound Ponderosa Pine	\$ _____	per MBF;
Sound Incense Cedar	\$ _____	per MBF;

"4. Buyer shall pay to Seller the purchase price for all timber removed from said real property in any calendar month on or before the fifteenth day of the following calendar month. All such payments shall be accompanied by a scaler's report by the scaler hereinafter named showing their correctness, and shall be delivered to Seller at the address hereinafter specified.

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